

**UNITED STATES DISTRICT COURT**  
 for the  
**Eastern District of Michigan**

United States of America,

Plaintiff,

v.

Nickolas Patrick Hipps

Case No. 4:23-mj-30263  
 Judge: Ivy, Curtis  
 Filed: 06-26-2023

Defendant(s).

**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On or about the date(s) of January 30, 2023 and June 21, 2023, in the county of Genesee in the Eastern District of Michigan, the defendant(s) violated:

*Code Section*

*Offense Description*

18 U.S.C. § 922(g)(1)

Felon in possession of a firearm

This criminal complaint is based on these facts:

Please see the attached affidavit.



Continued on the attached sheet.

Complainant's signature

Christopher A. Zylk, Special Agent - ATF&E

Printed name and title

Sworn to before me and signed in my presence.

Date: June 26, 2023

Judge's signature

City and state: Bay City, Michigan

Patricia T. Morris, United States Magistrate Judge  
 Printed name and title

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**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**  
*United States v. Nickolas Patrick Hipps*

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1. I have been employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) since January 2022. I am currently assigned to the Detroit Field Division, Flint Field Office. Before working for the ATF, I was employed by the Michigan Department of State Police (MSP) for eight years. During my employment with ATF and MSP, I have conducted or participated in numerous criminal investigations focused on firearms, armed drug trafficking, and criminal street gangs, and other violations of federal law.

2. I make this affidavit from personal knowledge based on my participation in this investigation, my review of reports and other materials prepared by those who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. The information outlined below is provided for the limited purpose of establishing probable cause and does not contain all details or all facts of which I am aware relating to this investigation.

3. I am currently investigating Nickolas Patrick Hipps, for federal firearm violations. Hipps is currently on probation with the Michigan Department of Corrections for felony convictions from 2022.

4. On January 30, 2023, Michigan State Police Troopers conducted a traffic stop of a vehicle. Hipps was the backseat passenger. Officers observed a clear plastic baggie with a white rock-like substance in the rear seat pocket directly in front of Hipps. Hipps was asked to get out of the vehicle. He was searched and officers found a pills with markings consistent with Xanax in Hipps' jacket pocket. Officers searched the vehicle and found a loaded revolver laying on the rear floor-board behind the center console. The revolver was placed in an upright position with the handle facing towards the rear passenger seat. The firearm, a Smith & Wesson, Model 10, .38 caliber, 7-shot revolver, was reported stolen out of Whitfield County, Georgia.

5. The driver of the vehicle was also found in possession of a firearm. The firearm was registered to the driver and he has a valid concealed pistol permit. The driver told police that he did not possess any other firearm in the vehicle. There was a third person in the vehicle sitting in the front seat. She did not make any statements to the police.

6. On March 3, 2023, MSP conducted a traffic stop of a vehicle driven by Hipps. Hipps gave consent to search the vehicle and methamphetamine was located inside of the vehicle. Hipps is currently under the supervision of Michigan Department of Corrections (MDOC). Hipps gave consent for MDOC to conduct a

compliance check at his residence. Prior to the compliance check, Hipps admitted that there was ammunition in the residence as well as a small amount of methamphetamine. Over 1,500 rounds of ammunition were found in multiple rooms in the residence.

7. Hipps was interviewed on March 3, 2023 and April 12, 2023 and questioned about the firearms found during the traffic stop on January 30, 2023. During the first interview Hipps initially denied possessing any firearms or controlled substances. He later admitted that he had touched and/or possessed the firearms in the vehicle. On April 12, 2023, Hipps told ATF agents that he had purchased the revolver earlier in the day on January 30, 2023 for a female.

8. On June 20, 2023, ATF Special Agent (SA) Hurt received a phone call from an individual who identified himself as Nickolas Hipps. SA Hurt has had several conversations with Hipps and recognized the voice on the phone to be Hipps. Hipps advised that he was recently threatened with a firearm at his residence so he acquired a firearm to protect himself. Hipps advised SA Hurt that he was keeping the firearm in his house.

9. SA Hurt has had several conversations in the past with Hipps in which SA Hurt advised Hipps that he is a felon and is unable to possess firearms. On each occasion Hipps acknowledged that he is a felon and understood that he was

prohibited from possessing a firearm.

10. On June 20, 2023, SA Hurt contacted MDOC Probation Agent McKinstry. SA Hurt told Agent McKinstry of the information he received from Hipps about possessing a firearm.

11. On June 21, 2023, MDOC conducted a probation compliance check on Nickolas Hipps at his residence. Prior to completing the probation compliance check, surveillance was established, and law enforcement observed Hipps walk in and out of the address several times meeting with several vehicles that pulled on the curtilage of the residence. While Hipps was in the front yard, law enforcement officers approached and announced their presence. Hipps was informed by Agent McKinstry that the officers were at the residence to conduct a probation compliance check. Hipps was alone at the residence agreed that the officers could search.

12. Officers found user quantity of suspected methamphetamine in Hipps' bedroom and an AR-15 hidden underneath the insulation in the loft. The firearm is a Smith and Wesson, Model M&P 15-22, .22LR caliber, semi-automatic rifle.

13. As part of this investigation, I queried Hipps' computerized criminal history which yielded that on or about October 7, 2022, Hipps was convicted of felony possession of methamphetamine, carrying a concealed weapon, and possession of analogues. Each is a crime punishable by a term of imprisonment of

more than one year.

14. SA Dustin Hurt is recognized by the ATF as an expert in the interstate nexus of firearms. SA Hurt advised that the Smith & Wesson, Model 10, .38 caliber, 7-shot revolver and the Smith and Wesson, Model M&P 15-22, 22LR caliber, semi-automatic rifle, were manufactured outside of the State of Michigan, and are firearms as defined in Chapter 44, Title 18, United States Code.

15. Based on the foregoing, I have probable cause to believe that on January 30, 2023, and June 21, 2023, in the Eastern District of Michigan, Nickolas Patrick Hipps, knowing that he had been convicted of a crime or crimes punishable by a term of imprisonment exceeding one year, knowingly possessed, in and affecting interstate commerce, a firearm, in violation of 18 U.S.C. § 922(g)(1).

  
CHRISTOPHER A. ZYLIK, Affiant  
Special Agent  
Bureau of Alcohol, Tobacco, Firearms & Explosives

Sworn to before me and signed in my presence and/or by reliable electronic means

June 26, 2023

on .

HON. PATRICIA T. MORRIS  
United States Magistrate Judge